



Mike DeWine, Governor  
Jon Husted, Lt. Governor  
Laurie A. Stevenson, Director

August 9, 2019

Re: H2-Oh-Yeah (Steamtown)  
Notice of Violation (NOV)  
NOV  
NPDES  
Morrow County  
PTI No. 1244335

Ms. Cari Oberfield  
Renergy, Inc.  
P.O. Box 249  
Delaware, OH 43015

**Subject: Notice of Violation**

Dear Ms. Oberfield:

Ohio EPA, Division of Surface Water (DSW) has conducted multiple inspections of the H2-Oh-Yeah Anaerobic Treatment Lagoon (Steamtown ATL), LLC from May 2019 to present. The goal of our inspections was to determine your facility's compliance with Ohio's environmental laws and regulations as found in Chapter 6111 of the Ohio Revised Code (ORC) and the terms and conditions of Permit-to-Install (PTI) Number 1244335 issued on November 20, 2018.

**Violations**

Ohio EPA observed the following violations of Ohio's environmental laws and regulations and the PTI conditions. Ohio EPA DSW recommends you promptly address these violations.

Please pay special attention to the **Violation Description** and **Requested Action** associated with each violation listed below as they describe what exactly is in violation and the requested action to address the violation.

1. **Ohio Revised Code (ORC) 6111.07(A)**: No person shall violate or fail to perform any duty imposed by sections 6111.01 to 6111.08 of the Revised Code or violate any order, rule, or term or condition of a permit issued or adopted by the director of environmental protection pursuant to those sections. Each day of violation is a separate offense.

**PTI No. 1244335**: The PTI was approved for the anaerobic lagoon treatment of digester effluent. The accompanying land application management plan (LAMP), 4MP00028, permits the land application of the treated effluent from the north storage lagoon.

- (a) **Violation Description**: Biosolids from the south Steamtown pond were land applied at a field authorized for Emerald BioEnergy, LLC.
- (b) **Additional Information**: The NPDES permit to allow for the beneficial use of biosolids from the Steamtown ponds has not been issued.
- (c) **Requested Action**: Please submit the sample results for the biosolids that were land applied from the south Steamtown pond and the agronomic rate calculations for the land

application of these biosolids. No further land application of biosolids from the Steamtown location shall occur until the NPDES permit is issued.

2. **Ohio Revised Code (ORC) 6111.07(A):** See above.

**PTI No. 1244335:** The owner shall comply with all terms and conditions contained within LAMP 4MP00028\*AM. LAMP 4MP00028 Part II. G. states: To inform the public that the land is used for land application of treated wastewater, signs shall be installed at all field entrances to each land application area and every 1,000 feet along public roadways, i.e. State Route 229, Township Roads 224 and 245. At least one sign shall be installed along the property line of each land application area that borders residential or commercial property. At least one sign shall be posted at each area. Each sign shall include notification that:

- (i) All above ground distribution pipes contain "Non-potable Water that is Not Suitable for Human Consumption"; and
- (ii) If applicable, all nozzles distribute "Non-potable Water that is Not Suitable for Human Consumption".

(a) **Violation Description:** Treated wastewater from the north lagoon has been applied via center pivot at the Township Road 224 field. One sign was observed along Township Road 224 that stated that Class B biosolids from Emerald BioEnergy had been land applied. No signs were observed along the property lines bordering residential property.

(b) **Requested Action:** Please place the required signs at the fields where treated wastewater is land applied and submit a plan detailing the procedures to ensure proper signage is in place prior to land application of treated wastewater.

3. **Ohio Revised Code (ORC) 6111.07(A):** See above.

**PTI No. 1244335:** Beginning on January 1, 2019, and on the 1<sup>st</sup> day of every subsequent month afterwards, the permittee shall submit to the Ohio EPA, Central District Office, Division of Surface Water, a representative depth of the accumulated fixed solids being stored at the bottom of the Steamtown anaerobic treatment lagoon (south lagoon).

(a) **Violation Description:** The depth of solids in the south lagoon has not been provided to DSW-CDO.

(b) **Requested Action:** Please submit the monthly levels to DSW-CDO from January 1, 2019, to present and continue to submit the levels going forward as required by the PTI.

**Conclusion**

**No later than September 6, 2019**, please submit the requested plan and provide documentation to Ohio EPA DSW of the actions taken and/or will be taken to resolve the violations cited above. Documentation of steps taken to resolve this violation includes but is not limited to: written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to [betsy.vanwormer@epa.ohio.gov](mailto:betsy.vanwormer@epa.ohio.gov). If circumstances delay resolution of violations, Renergy is requested to contact Ohio EPA DSW to discuss the situation and propose an alternative schedule to resolve the violations in a timely manner.

Failure to comply with Chapter 6111.07 of the Ohio Revised Code and rules promulgated thereunder may result in an administrative or civil penalty.

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Please note that the submission of any requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek administrative or civil penalties as provided in Section 6111.09 of the Ohio Revised Code.

Should you have any questions, please contact me at [betsy.vanwormer@epa.ohio.gov](mailto:betsy.vanwormer@epa.ohio.gov) or 614-644-2150.

Sincerely,

A handwritten signature in black ink that reads "Betsy L. VanWormer". The signature is written in a cursive, flowing style.

Betsy L. VanWormer, P.E.  
Environmental Specialist III  
Ohio EPA Division of Surface Water

cc: Tiffani Kavalec, DSW, CO  
Archie Lunsey, DSW, CO  
Erin Sherer, DSW, CO  
Mark Stump, DSW, CO  
Scott Sheerin, DSW, CO  
Isaac Robinson, DSW, CDO  
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